Criminal Transfer Application No. 24 of 2003

Hon'ble Irshad Hussain, J.

Heard Sri Pankaj Miglani learned counsel for the petitioner.

This is a petition under section 407 of the Code of Criminal Procedure for transfer of criminal proceedings from Bageshwar to district Nainital on the ground of serious illness of applicant-accused and also his old age.

It is stated by Sri Pankaj Miglani learned counsel that the evidence under section 244 Code of Criminal Procedure was recorded and the charge was to be framed against the applicant-accused. Considering this it is evident that part of the proceedings have been concluded and the applicant-accused may seek personal exemption on the dates fixed in the case. The learned Magistrate shall consider this aspect of the matter as and when the application for exemption is submitted on his behalf.

Considering this there is no merit in this petition and the same is dismissed in limine with the above observation.

Dated: 21-10-03 **(Irshad Hussain, J.)**
ISB